

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In Re Application of:

Clarence Frank Bennett, David J. Ecker and Phillip  
Dan Cook

Group Art Unit: Unknown

Examiner: Unknown

For: COMPOSITIONS AND METHODS FOR  
THE PULMONARY DELIVERY OF  
NUCLEIC ACIDS

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a



Utility Patent



Design Patent

is sought on the invention, whose title appears above, the specification of which:



is attached hereto.

was filed on May 20, 1999 as Serial No. 09/315,292.

said application having been amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any **foreign application(s)** for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Priority Claimed (If X'd)	Country	Serial Number	Date Filed
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Date Filed	Patented/Pending/Abandoned
<u>09/083,586</u>	<u>May 21, 1998</u>	<u>Pending</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Serial Number	Date Filed
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\_\_\_\_\_

\_\_\_\_\_

I hereby appoint the following persons of the firm of **WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP**, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103 as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Michael P. Straher Reg. No. 38,325

John W. Caldwell Reg. No. 28,937

**AND**

Herb Boswell	Reg. No. 27,311
Laurel Bernstein	Reg. No. 37,280
Henry Wu	Reg. No. 44,412

of **ISIS Pharmaceuticals, Inc.**, 2292 Faraday Avenue, Carlsbad, California 92008.

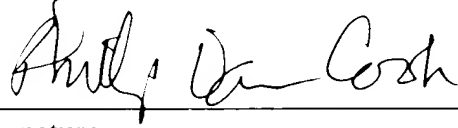
Address all telephone calls and correspondence to the first-listed attorney of record at:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Clarence Frank Bennett	<u>C. Frank Bennett</u> Signature
Mailing Address: 1347 Cassins Street, Carlsbad, California 92009	Date of Signature: <u>6/23/99</u> Citizenship: <u>U.S.</u>
City/State of Actual Residence: Carlsbad, California	

Name David J. Ecker	<u>David J. Ecker</u> Signature
Mailing Address: 1041 Saxony Road, Encinitas, California 92024	Date of Signature: <u>6/29/99</u> Citizenship: <u>U.S.</u>
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Name Phillip Dan Cook	 Signature
<p style="text-align: center;"><i>PDL</i></p> Mailing Address: 1155 La Casa, Lake San Marcos, California 92069 5237 Olive Hill Road FAIRBROOK, CA 92028	Date of Signature: <u>2/22/99</u>  Citizenship: <u>U.S.</u>
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DOCKET NO.: ISIS-3561

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

**Bennett et al.**

Serial No.: 09/315,292

Group No.: 1635

Filed: May 20, 1999

Examiner: Not Assigned

For: **Compositions and Methods for the Pulmonary Delivery of Nucleic Acids**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**ASSOCIATE POWER OF ATTORNEY**

The undersigned, Michael P. Straher, Registration No. 38,325, of the firm WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103, Attorney and/or Agent for Applicant(s), hereby appoints the following:

Robert B. Washburn	Registration No. 16,574
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of **ISIS PHARMACEUTICALS**, 2292 Faraday Avenue, Carlsbad,

California 92008; his associates, with full power to prosecute the above-identified application and to transact all business in the Patent Office connected therewith and requests that

correspondence continue to be directed to the firm of WOODCOCK  
WASHBURN KURTZ MACKIEWICZ & NORRIS LLP at the above address.

Date: September 3, 1999

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**Michael P. Straher**  
Attorney of Record  
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